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164B

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SEP 05 2000

TECH CENTER 1600/2800

August 25, 2000

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box Sequence

Re: U.S. Patent Application No.: 09/587,111  
NOVEL MEMBERS OF THE CAPSAICIN/VANILLOID RECEPTOR  
FAMILY OF PROTEINS AND USES THEREOF  
Inventor: Curtis, Rory A.J.  
Filed: June 2, 2000  
Our Ref. No.: MNI-062CP2DV1

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Formalities Letter;
2. Copy of Formalities Letter;
3. Copy of Divisional-Continuation Application Transmittal Form Under Rule 1.53(b);
4. Statement Limited Recognition Under 37 CFR §10.9(b;) and
5. Return receipt postcard.

Please charge any necessary fees to our Deposit Account No. 12-0080. The undersigned requests any extensions of time necessary to respond. A duplicate of this sheet is enclosed.

I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Sequence, Washington, DC 20231 on:

8/25/00

Date

*Maria C. Laccotripe*

Maria C. Laccotripe

Limited Recognition Under 37 CFR §10.9(b)

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

*Maria C. Laccotripe*

Maria C. Laccotripe, Ph. D

Agent for Applicant

Limited Recognition Under 37 CFR §10.9(b)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Curtis, Rory

Serial No.: 09/587,111

Filed: June 2, 1000

For: NOVEL MEMBERS OF THE  
CAPSAICIN/VANILLOID RECEPTOR FAMILY  
OF PROTEINS AND USES THEREOF

Attorney Docket No.: MNI-062CP2DV1

Group Art Unit: 1641 **RECEIVED**

Examiner: SEP 05 2000

TECH CENTER 1600/2900



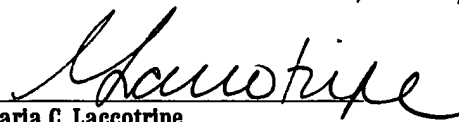
Assistant Commissioner for Patents  
Washington, D.C. 20231  
Box Sequence

**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box Sequence, Washington, D.C. 20231 on the date set forth below.

8/25/00  
Date of Signature and of Mail Deposit

By:

  
Maria C. Laccotripe  
Agent for Applicant  
Limited Recognition Under 37 CFR §10.9(b)

**RESPONSE TO NOTICE TO FORMALITIES LETTER**

Dear Sir:

This is in response to the Formalities Letter dated July 28, 2000. Applicant respectfully submits that, pursuant to 37 CFR 1.821(e) the computer readable form of the sequence listing for the above-referenced application (Serial No. 09/587,111) is to be identical with the computer readable form of application Serial No. 09/439,165, filed on November 12, 1999. Applicant submits herewith a copy of the Divisional-Continuation Application Transmittal Form which indicates that the United States Patent and Trademark Office was authorized to use the computer

readable form of application Serial No. 09/439,165 *in lieu* of filing a duplicate computer readable form in the above-identified application.



Respectfully submitted,

LAHIVE & COCKFIELD, LLP

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A handwritten signature in cursive script, appearing to read "M. Laccotripe".

Maria C. Laccotripe, Ph.D.

Agent for Applicant

Limited Recognition Under 37 CFR §10.9(b)

28 State Street  
Boston, MA 02109  
Telephone: (617) 227-7400  
Facsimile: (617) 742-4214

Dated: August 25, 2000

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## FORMALITIES LETTER



\*OC000000005277184\*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

TECH CENTER 1800/2000

Address: COMMISSIONER OF PATENT AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/587,111	06/02/2000	Rory A.J. Curtis	MNI-062CP2DV1

959  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON, MA 02109

Date Mailed: 07/28/2000



The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-1123
- For CRF Submission Help, call (703) 308-4212
- PatentIn Software Program Support
- - For Technical Assistance, call (703) 287-0200
- - To Purchase PatentIn Software, call (703) 306-2600

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*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## DIVISIONAL-CONTINUATION APPLICATION TRANSMITTAL FORM

UNDER RULE 1.53(b) (former Rule 1.60)

SEP 05 2000

TECH CENTER 1600/2900

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/439,165	PRIOR APPLICATION FILING DATE: NOVEMBER 12, 1999
MNI-062CP2DV1	CLASS:	SUBCLASS:	EXAMINER:	ART UNIT:

ASSISTANT COMMISSIONER FOR PATENTS  
BOX PATENT APPLICATION  
WASHINGTON, DC 20231

COPY

## CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: June 2, 2000

Mailing Label Number: EL 266 739 353 US

I hereby certify that this 37 CFR 1.53(b) request and the documents referred to as attached therein are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

Larry Taylor

Name of Person Mailing Paper

*Larry Taylor*  
Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☐ continuation ☒ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/439,165 filed on November 12, 1999, of Rory A.J. Curtis entitled NOVEL MEMBERS OF THE CAPSAICIN/VANILLOID RECEPTOR FAMILY OF PROTEINS AND USES THEREOF.

1. ☒ Enclosed is a copy of the latest inventor signed application, including the oath or declaration as originally filed. The copy of the enclosed papers is as follows:
- ☒ 72 page(s) of specification
  - ☒ 4 page(s) of claims
  - ☒ 1 page(s) of abstract
  - ☒ 35 sheet(s) of drawing (Figures 1-17)
  - ☒ 5 page(s) of an executed declaration and power of attorney.

I hereby verify that the attached papers are a true copy of the prior complete application serial no. 09/439,165 as originally filed on November 12, 1999.

2. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27, a copy of which is enclosed, was filed in the prior application and such status is still proper and desired (37 CFR 1.28(a)).
3. ☒ The filing fee is calculated below:

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	50	MINUS	** 20	= 30
INDEP.	6	MINUS	*** 3	= 3
<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

## SMALL ENTITY

RATE	FEE
x 9 =	\$0.00
x 39 =	\$0.00
+130 =	\$0.00
BASIC FEE	\$0.00
TOTAL	\$0.00

OR

## OTHER THAN A SMALL ENTITY

RATE	FEE
x 18 =	\$540.00
x 78 =	\$234.00
+ 260 =	\$260.00
BASIC FEE	\$690.00
TOTAL	\$1724.00


OR

4. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 12-0080. A duplicate copy of this sheet is enclosed.
5. ☒ A check in the amount of \$1724.00 is enclosed for payment of the filing fee.
6. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
7. ☒ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claims in the prior application.)
8. ☒ Amend the specification by inserting before the first line the sentences: "This application is a divisional application of serial no. 09/439,165 filed on November 12, 1999, pending. The contents of all of the aforementioned application(s) are incorporated herein by reference."
9. ☐ Please abandon said prior application as of the filing date accorded this application. A duplicate copy of this transmittal is enclosed for filing in the prior application file. (May be used if signed by person authorized by §1.138 and before payment of base issue fee.)
10. ☐ Transfer the drawings from the pending prior application to this application.
11. ☐ Priority of application serial no. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. §119.
- ☐ The certified copy has been filed in prior application serial no. \_\_\_\_\_ filed on \_\_\_\_\_.
- ☐ The certified copy will follow.
12. ☐ The prior application is assigned of record to \_\_\_\_\_
13. ☐ A \_\_\_\_\_ month extension of time has been submitted in the parent application Serial No. \_\_\_\_\_ in order to establish copendency with the present application.
14. ☒ Also enclosed is an Associate Power of Attorney (including Appendix A).
15. ☒ The power of attorney in the prior application is to Amy E. Mandragouras.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ A new power has been executed and is attached \_\_\_\_\_
- 
16. ☒ Address all future communications (May only be completed by applicant, or attorney or agent of record) to Amy E. Mandragouras at Customer Number: **000959** whose address is:
- Lahive & Cockfield, LLP  
28 State Street  
Boston, Massachusetts 02109
17. ☒ Any requests for extensions of time necessary in a parent application for establishing copendency between this application and a parent application are hereby requested and the Commissioner is authorized to charge any fee associated with such an extension to Deposit Account No. 12-0080.

18. ☒ Pursuant to 37 CFR 1.821(e), the computer readable form of the sequence listing for this new application is to be identical with the computer readable form of application serial no. 09/439,165. Please use the computer readable form of application serial no. 09/439,165 in lieu of filing a duplicate computer readable form in this application. Pursuant to 37 CFR 1.821(f), the content of the paper copy of the sequence listing for this new application and the computer readable form of application serial no. 09/439,165 are the same.

June 2, 2000  
Date

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, Massachusetts 02109  
Tel. (617) 227-7400

  
Maria C. Laccotripe, Ph.D.  
Agent for Applicant  
Limited Recognition Under 37 C.F.R. 10.9(b)

- ☐ inventor(s) ☐ filed under §1.34(a)  
☐ assignee of complete interest  
☒ attorney or agent of record





**BEFORE THE OFFICE OF ENROLLMENT AND DISCIPLINE  
UNITED STATE PATENT AND TRADEMARK OFFICE**

**LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)**

Maria C. Laccotripe is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Lahive and Cockfield to prepare and prosecute patent applications wherein the patent applicant is the client of Lahive and Cockfield, and the attorney or agent of record in the applications is a registered practitioner who is a member of Lahive and Cockfield. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Maria C. Laccotripe ceases to lawfully reside in the United States, (ii) Maria C. Laccotripe's employment with Lahive and Cockfield ceases or is terminated, or (iii) Maria C. Laccotripe ceases to remain or reside in the United States on an H-1 visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

**Expires: October 5, 2000**

  
**Harry L. Moatz, Acting Director**  
**Office of Enrollment and Discipline**